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RUEHBY/AMEMBASSY CANBERRA 1816  
RUEHKO/AMEMBASSY TOKYO 1361  
RUEHWL/AMEMBASSY WELLINGTON 2198  
RHEHNSC/NSC WASHDC  
RUEAWJA/DEPT OF JUSTICE WASHDC  
RUEAIIA/CIA WASHDC  
RUEATRS/DEPT OF TREASURY WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 003469

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DEPT FOR EAP, EAP/MTS, INR/EAP, INL FOR BOULDIN  
DEPT FOR EEB/IFD/OMA  
DOJ/OPDAT FOR LEHMANN/ALEXANDRE/BERMAN  
SINGAPORE FOR BAKER  
TREASURY FOR IA-BAUKOL  
DEPT PASS FEDERAL RESERVE SAN FRANCISCO FOR FINEMAN  
DEPT PASS EXIM BANK  
DEPT PASS USTR FOR DKATZ, RBAE  
NSC FOR EPHU

E.O. 12958: DECL: 12/27/2017  
TAGS: [PGOV](#) [KJUS](#) [KCOR](#) [KMCA](#) [ID](#)  
SUBJECT: SUPREME COURT UNDER FIRE

REF: A. SURABAYA 91

- [1](#)B. JAKARTA 3293
- [1](#)C. JAKARTA 2974
- [1](#)D. JAKARTA 2953
- [1](#)E. JAKARTA 2722

Classified By: POL/C Joseph Legend Novak, reasons 1.4(b+d).

[1](#)1. (U) This message was coordinated with Consulate General Surabaya.

[1](#)2. (C) SUMMARY: A recent Supreme Court decision ordering new provincial elections in South Sulawesi has revived allegations of incompetence and political influence peddling at the Court. Critics of the decision--which has thrown the election into confusion--say that the Court overstepped its authority. The ruling may impact the resolution of other electoral disputes. Meanwhile, the Court continues to fight tooth and nail against external auditing of certain accounts.  
END SUMMARY.

COURT GENERATES FIRESTORM

[1](#)3. (SBU) The Supreme Court generated yet another firestorm after ordering new provincial elections in four regencies (district areas) of South Sulawesi province (ref A). The putative loser of the poll--incumbent governor Amin Syam, who is backed by the Golkar party--appealed to the Court after losing by a margin of less than 1%. On December 19, the Court agreed with Syam that voting irregularities had taken place in four districts and ordered that the authorities repeat the election in those areas. The ruling has spurred demonstrations and uncertainty in Sulawesi, where local election officials say that they have neither funds nor clear guidelines for conducting a new election.

[1](#)4. (U) The ruling has been challenged both within the Court and without. Two of the five justices reportedly issued a dissenting opinion arguing that the Court does not have the authority to order new elections. Critics of the decision agreed, stating that the election law allows the Court to

determine the winner in a disputed election but not to order a re-vote. The head of one NGO went further, claiming that the Court has essentially abdicated its responsibility to resolve the election dispute. South Sulawesi's election board has said it will request a judicial review of the decision.

#### LARGER IMPLICATIONS

15. (SBU) Observers have also raised concerns about the impact of the decision on Indonesia's fledgling democracy. The Court will be reviewing disputed elections in other regions in the near future, including in North Maluku (ref B) and Lampung in southern Sumatra. Critics worry that inconclusive elections that lead to drawn-out litigation will sap resources and, over time, lessen enthusiasm for elections and voting among Indonesians.

16. (C) Some observers have suggested that the judges were influenced by political factors. A second poll would allow voters who chose the third candidate--who presumably no longer has a chance of winning--to switch their votes. According to one report, Syam is better positioned to gain those votes and thus win the election. Moreover, Syam's running mate is the brother-in-law of Vice President (and Golkar Chairman) Jusuf Kalla, who also hails from the province. A loss in South Sulawesi--a longtime Golkar stronghold--would be damaging both to the party and to Kalla personally.

#### AUDITORS NOT WELCOME

17. (C) The allegations of political interference serve to reinforce the popular perception of the Court as secretive

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and corrupt (ref C and D). The Court's continued refusal to submit fully to external auditing has added further fuel to this fire. Earlier in December, a Ministry of Finance auditing body revealed that 40 provincial courts--which are under administrative control of the Supreme Court--had not submitted accounts data as required and claimed that the Court had been "uncooperative" with the audit. Moreover, the Court has continued to deny the Supreme Audit Board (BPK) access to the case fees it collects, claiming that the GOI has yet to clarify the regulations as promised in an agreement last September (ref E).

#### WHITHER THE COURT?

18. (C) The USG remains engaged in institutional reforms at the Court through major USAID and Millennium Challenge Corporation (MCC) Threshold Program projects, and progress is being made on some fronts. That said, the Court is not popular with the public and all the recent publicity is not helping it. The highest levels of the Court need to move quickly to improve its image before that image deteriorates further, but, so far, there is little sign of urgency.

HUME